

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

ESTHER DÁVILA RIVERA; RAFAEL
VÉLEZ RIVERA; AND THE CONJUGAL
PARTNERSHIP FORMED BY ESTHER
DÁVILA RIVERA AND RAFAEL VÉLEZ
RIVERA

Plaintiffs,

vs.

CARIBBEAN REFRESCOS, INC.,
ABC INSURANCE COMPANY

Defendants.

CIVIL NO. 02-2499 (DRD)

SUPPLEMENTARY MOTION FOR SUMMARY JUDGMENT

TO THE HONORABLE DANIEL R. DOMÍNGUEZ
UNITED STATES DISTRICT JUDGE:

COMES NOW, Defendant Caribbean Refrescos, Inc., through its undersigned counsel, and respectfully alleges and prays as follows:

1. On June 3, 2003, Plaintiffs Esther Dávila Rivera ("Ms. Dávila"), Rafael Vélez Rivera, and the conjugal partnership constituted by them (the "Plaintiffs") filed an Amended Complaint in the instant case (the "Amended Complaint") adding a cause of action under the Family Medical Leave Act (docket No. 21).

2. For the reasons more fully discussed in the Memorandum of Law in Support of Supplementary Motion for Summary Judgment filed separately on this same date, summary judgment should be entered in favor of CRI dismissing with prejudice Ms. Dávila's cause of action under the FMLA.

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WHEREFORE, CRI hereby requests that its Supplementary Motion for Summary Judgment be granted.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 23rd day of April, 2004.

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that on the aforementioned date the instant motion was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Juan M. Frontera Suau, at fronterasuau@hotmail.com and bufetecelinaromany@hotmail.com and to Dennis Simonpietri at arteres@coqui.net, dennis_simonpietri@hotmail.com.

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